

1 NICOLA T. HANNA
United States Attorney
2 LAWRENCE S. MIDDLETON
Assistant United States Attorney
3 Chief, Criminal Division
KEVIN J. BUTLER (Cal. Bar No. Pending)
4 Assistant United States Attorney
General Crimes Section
5 1200 United States Courthouse
312 North Spring Street
6 Los Angeles, California 90012
Telephone: (213) 894-6495
7 Facsimile: (213) 894-6269
E-mail: kevin.butler2@usdoj.gov

8 Attorneys for Plaintiff
9 UNITED STATES OF AMERICA

10 UNITED STATES DISTRICT COURT

11 FOR THE CENTRAL DISTRICT OF CALIFORNIA

12 UNITED STATES OF AMERICA,

13 Plaintiff,

14 v.

15 ANDERSON SAM BONILLA ECHEGOYEN,
aka "Anderson Samuel
16 Bonilla,"
aka "Anderson Sam Echegoyen,"
17 aka "Anderson Sam Bonilla-
Echegoyen,"

18 Defendant.
19
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No. CR 18-00876-SJO

[PROPOSED] PROTECTIVE ORDER
REGARDING DISCOVERY CONTAINING
PERSONAL IDENTIFYING INFORMATION

21 The Court has read and considered the Stipulation and Joint Request
22 for a Protective Order Regarding Discovery Containing Personal
23 Identifying Information, filed by the government and defendant
24 Anderson Sam Bonilla Echegoyen ("defendant") in this matter on March
25 14, 2019, which this Court incorporates by reference into this
26 order, and FOR GOOD CAUSE SHOWN the Court hereby FINDS AND ORDERS as
27 follows:
28

1 1. The government's discovery in this case relates to
2 defendant's alleged crimes, that is a violation of violation of 18
3 § U.S.C. 1014: False Statement to a Financial Institution (Count 1);
4 18 U.S.C. § 1029(a)(2): Use of an Unauthorized Access Device (Count
5 2); and 18 U.S.C. § 1028A(a)(1): Aggravated Identity Theft (Count
6 3). The discovery contains the personal identifying information of
7 real persons, including, among other things, personal names,
8 addresses, Social Security numbers, and bank account numbers.

9 2. If the government were to redact all personal identifying
10 information in strict compliance with Federal Rule of Criminal
11 Procedure 49.1, the Central District of California's Local Rules
12 regarding redaction, and the Privacy Policy of the United States
13 Judicial Conference, the defense would receive a set of discovery
14 that would be highly confusing and difficult to understand, and
15 defense counsel would not be able to adequately evaluate the case,
16 advise his client, or prepare for trial.

17 3. The Court finds it is appropriate, therefore, for the
18 government to produce unredacted discovery that contains personal
19 identifying information, but preserves the privacy and security of
20 the victims and third parties. The Court agrees that a protective
21 order as requested by the parties will serve the government's
22 interest in maintaining the privacy and security of victims and
23 third parties while permitting the defense to understand the
24 government's evidence.

25 4. Accordingly, the discovery that the government will
26 provide to defense counsel in the above-captioned case will be
27 subject to this Protective Order, as follows:
28

1 a. For purposes of the Protective Order, the term
2 "Personal Identifying Information" ("PII") includes any information
3 that can be used to identify a person, including name, address, date
4 of birth, Social Security number, driver's license number, telephone
5 number, account number, or personal identification number. The term
6 "Protected Information" refers to materials containing PII that the
7 government produces to the defense pursuant to the Protective Order.

8 b. For purposes of the Protective Order, the term
9 "defense team" refers to (1) defendant's counsel of record,
10 (2) other attorneys at defense counsel's law firm who may be
11 consulted regarding case strategy in the above-captioned matter,
12 (3) defense investigators who are assisting defense counsel with
13 this case, (4) retained experts or potential experts, and
14 (5) paralegals, legal assistants, and other support staff to
15 defendant's counsel of record providing assistance on this case --
16 all of whom have been advised of their obligations under the
17 Protective Order and have affirmed to defendant's counsel of record
18 that they agree to be bound by the terms of the Protective Order.
19 The term "defense team" does not include defendant, his family
20 members, or any other associates of defendant.

21 c. Defendant's counsel of record agrees to advise all
22 members of the defense team of their obligations under the
23 Protective Order and ensure their agreement to follow the
24 Protective Order, prior to providing members of the defense team
25 with access to any materials subject to the Protective Order.

26 d. The government is authorized to provide defendant's
27 counsel of record with Protected Information marked with the
28 following legend: "CONTENTS SUBJECT TO PROTECTIVE ORDER." If

1 defendant objects to any such designation, he may do so by
2 application to the Court upon duly noticed motion, following meeting
3 and conferring with the government regarding the objection.

4 e. Defendant may review Protected Information in this
5 case only in the presence of a member of the defense team, and his
6 counsel of record shall ensure that defendant is never left alone
7 with any discovery subject to the Protective Order. Defendant may
8 see and review Protected Information in the presence of a member of
9 the defense team, but defendant may not copy, keep, maintain, or
10 otherwise possess any of such Protected Information in this case at
11 any time. Defendant must return any Protected Information to the
12 defense team at the conclusion of any meeting at which defendant is
13 permitted to view the Protected Information. Defendant may not take
14 any Protected Information out of the room in which he is meeting
15 with the defense team. Defendant may not write down or memorialize
16 any PII contained in the Protected Information. At the conclusion
17 of any meeting with defendant, the member of the defense team
18 present shall take with him or her all Protected Information. At no
19 time, under no circumstance, will any Protected Information be left
20 in the possession, custody, or control of defendant, whether he is
21 incarcerated or not.

22 f. The defense team shall not permit anyone other than
23 the defense team to have possession of Protected Information,
24 including defendant himself.

25 g. The defense team shall access and use Protected
26 Information for the sole purpose of preparing for trial or any
27 related proceedings in this case. The defense team may review
28 Protected Information with a witness or potential witness in this

1 case, including defendant. Before being shown any portion of
2 Protected Information, however, any witness or potential witness
3 must be informed of, and agree in writing to be bound by, the
4 requirements of the Protective Order. No witness or potential
5 witness may retain Protected Information, or any copy thereof, after
6 his or her review of those materials with the defense team is
7 complete.

8 h. The defense team shall maintain Protected Information
9 safely and securely, and shall exercise reasonable care in ensuring
10 the confidentiality of those materials by (1) not permitting anyone
11 other than defense team members and defendant as restricted above to
12 see Protected Information, (2) not divulging to anyone the contents
13 of Protected Information, and (3) not permitting Protected
14 Information to be outside the defense team's offices, homes,
15 vehicles, or personal presence.

16 i. To the extent that notes are made that memorialize,
17 in whole or in part, the PII in any Protected Information, or to the
18 extent that copies are made for authorized use by members of the
19 defense team, such notes, copies, or reproductions become Protected
20 Information subject to the Protective Order and must be handled in
21 accordance with the terms of the Protective Order.

22 j. The defense team shall use Protected Information and
23 materials otherwise identified as containing PII only for the
24 litigation of this matter and for no other purpose. Litigation of
25 this matter includes any appeal filed by defendant and any motion
26 filed by defendant pursuant to 28 U.S.C. § 2255. In the event that
27 a party needs to file Protected Information or materials otherwise
28 identified as containing PII with the Court or divulge the contents

1 of such materials in court filings, the filing should be made under
2 seal. If the Court rejects the request to file such information
3 under seal, the party seeking to file such information shall provide
4 advance written notice to the other party to afford such party an
5 opportunity to object or otherwise respond to such intention. If
6 the other party does not object to the proposed filing, the party
7 seeking to file such information shall redact the PII and make all
8 reasonable attempts to limit the divulging of PII.

9 k. The parties also agree that any PII produced in the
10 course of discovery in the above-captioned matter prior to the date
11 of the Protective Order shall be subject to the terms of the
12 Protective Order.

13 l. Upon the final disposition of this case, any
14 Protected Information and materials otherwise identified as
15 containing PII shall not be used, in any way, in any other matter,
16 absent a court order. All materials designated subject to the
17 Protective Order maintained in the defense team's files shall remain
18 subject to the Protective Order unless and until such order is
19 modified by court order. Within thirty days of the conclusion of
20 appellate and post-conviction proceedings, the defense team shall
21 return Protected Information and materials otherwise identified as
22 containing PII to the government, certify that such materials have
23 been destroyed, or certify that such materials are being kept
24 pursuant to the Business and Professions Code and the Rules of
25 Professional Conduct.

26 m. In the event that there is a substitution of counsel
27 prior to when such documents must be returned, new defense counsel
28 must join this Protective Order before any Protected Information or

1 materials otherwise identified as containing PII may be transferred
2 from the undersigned defense counsel to the new defense counsel, who
3 then will become the defense team's custodian of materials
4 designated subject to the Protective Order and who shall then become
5 responsible, upon the conclusion of appellate and post-conviction
6 proceedings, for returning to the government, certifying the
7 destruction of, or retaining pursuant to the Business and
8 Professions Code and the Rules of Professional Conduct all Protected
9 Information and materials otherwise identified as containing PII.

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11 IT IS SO ORDERED.

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13 March 14, 2019

14 DATE



HONORABLE S. JAMES OTERO
UNITED STATES DISTRICT JUDGE

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16 Presented by:

17 /s/Kevin J. Butler
18 KEVIN J. BUTLER
19 Assistant United States Attorney
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